## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID B. NEDLEY,	No. C 03-5237 JSW (PR)	
Petitioner,	ORDER DENYING CERTIFICATE OF	
VS.	APPEALABILITY	
M. S. EVANS, Warden,	) (Docket nos. 23, 24)	
Respondent.	) (Docket flos. 23, 24) )	

Petitioner David Nedley filed a pro se petition for a writ of habeas corpus challenging the constitutionality of his state conviction under 28 U.S.C. § 2254. Following briefing, this Court denied Petitioner's application for a writ of habeas corpus on the merits in an order dated March 20, 2007 (docket no. 19). Petitioner has filed a notice of appeal (docket no. 23) and a motion for a certificate of appealability (docket no. 24).

Upon the filing of a notice of appeal and a request for a COA, the district court shall indicate which specific issue or issues satisfy the standard for issuing a certificate, or state its reasons why a certificate should not be granted. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997). (citing 28 U.S.C. § 2253(c)(3)). A judge shall grant a COA "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

With regard to the issues before the Court, Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right" *Id.* at 484. Accordingly, the request for a certificate of appealability is DENIED (docket no. 24).

The Clerk of Court shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit. Petitioner may also seek a certificate of appealability from that court. See Asrar, 116 F.3d at 1270. IT IS SO ORDERED. DATED: June 21, 2007 United States District Judge 

1	UNITED STATES DISTRICT COURT	
2	FOR THE	
3	NORTHERN DISTRICT OF CALIFORNIA	
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5 6 7 8 9 10 11 12 13	NEDLEY et al,  Plaintiff,  CERTIFICATE OF SERVICE  v.  RUNNELS et al,  Defendant.  I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.  That on June 21, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery	
15 16 17 18 19 20 21 22 23 24 25	Christopher William Grove Attorney at Law 455 Golden Gate Avenue Suite 11000 San Francisco, CA 94102  David B. Nedley T-55465 P.O. Box 1050 A3-130 Soledad, CA 93960  Dated: June 21, 2007  Richard W. Wieking, Clerk By: Jennifer Ottolini, Deputy Clerk	
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